



Seeking Reparation for Torture Survivors

INTERNATIONAL CRIMINAL COURT: CHILD SOLDIERS PROSECUTION MUST BE SEEN IN CONTEXT

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“The International Criminal Court’s first prosecution focuses on recruiting or using children under fifteen in hostilities. This narrow focus poses numerous challenges for the Court as well as victims”, says REDRESS in a new Report released today.

The Report, ***“Victims, perpetrators or heroes? Child soldiers before the International Criminal Court”*** analyses the Court’s duties to ensure child sensitive investigations, trials and appropriate remedies for these children, who are recognized as victims under international law, but are also at times perpetrators of heinous acts.

“Prosecuting child recruitment is important, because brutalization of children continues in the DRC and Uganda. However it needs to be kept in context with what happened: victims in the region have suffered years of systematic rape, murder and torture. They have seen their homes pillaged and burned. Often these crimes were committed by child soldiers, so it is difficult for local communities to understand that “using children” is the only crime”, says Mariana Goetz, author of the report.

Today, at the Public Hearing convoked by the ICC Prosecutor to review his prosecutorial strategy, REDRESS has called on the Prosecutor to ensure that his policy “to pursue the gravest of cases” should extend to the scope of the charges. While child recruitment is a grave crime, it must be considered in the context of systematic rape, murder and torture used to enslave children, instill fear and destroy entire communities. ***“One of the worse aspects of child soldiering is the involvement of girls, abducted by force, systematically raped and enslaved – yet the charges include no crimes of sexual violence.”***

“Singling out child soldiers against other child victims, or against the suffering of the communities into which they are trying to reintegrate is not in the child’s best interest: it makes their reintegration more difficult,” says Mrs. Goetz, the Report’s author.

The narrow scope of the crimes reduces the number of victims able to obtain justice for their suffering or claim reparations through the ICC’s innovative reparations procedures, which include a Victims Trust Fund. Furthermore, victims in the region generally do not know that child recruitment is a war crime, and at times children have joined groups “voluntarily”. REDRESS has also called on the Prosecutor to develop a concerted outreach strategy to explain his emphasis on child recruitment to local communities in order to maximize the deterrent effect.

BACKGROUND: Thomas Lubanga, currently in custody in The Hague has been charged solely with *conscripting, enlisting or using children under fifteen in hostilities*.¹ Joseph KONY, Vincent OTTI and Okot ODHIAMBO, senior commanders of the Lord’s Resistance Army operating in northern Uganda, have also been charged with forcibly recruiting or using child soldiers.

REDRESS, the international NGO that promotes victims rights has been campaigning for the rights of victims to be at the forefront of the ICC’s mandate since well before the Rome Statute establishing the Court was adopted in 1998.

For more information please contact:

Mariana Goetz, Adviser ICC Programme at REDRESS

Tel: +44 (0)20 7793 1777, NL Mobile: +31-6-2744 4924, Email: mariana@redress.org

Website : <http://www.redress.org> Link to Report : <http://www.redress.org/publications/childsoldiers>

¹ Thomas Lubanga was the leader of the UPC, Union des Patritotes Congolais, reported to have used ‘armies of children’ and to have committed widespread massacres in Ituri District, Eastern Democratic Republic of Congo.